THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4056 of 2007

Dated:15.03.2007

Between:

Yedma Ram Reddy and another.

… Petitioners

AND

The Joint Collector and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4056 of 2007

ORDER:

The two petitioners assail the orders of the first respondent dated 03.02.2007 in Revision Case No.D1/78/2006. The Revision Case was filed by respondents 4 and 5 herein challenging the orders of the second respondent in Proceedings No.B/1879/2006, dated 20.11.2006. Initially, respondents 4 and 5 herein filed a petition before the Mandal Revenue Officer for validation of an unregistered sale deed purportedly executed by the first petitioner herein in their favour. In exercise of powers under Section 5-A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), the Mandal Revenue Officer, by order dated 23.02.2006, came to the conclusion that the unregistered document dated 19.06.2000 executed by the first petitioner herein in favour of respondents 4 and 5 is genuine, and accordingly issued the necessary certificate in Form-XIII(A). Aggrieved by the same, the petitioners herein filed an appeal before the Revenue Divisional Officer, which was disposed of suspending the order of the Mandal Revenue Officer, against which a revision was preferred before the Joint Collector, first respondent herein.

When the Joint Collector considered the revision case it was brought on record that the first petitioner herein filed O.S.No.134 of 2006 on the file of the Court of the Senior Civil Judge, Mahabubnagar, for declaration of title and perpetual injunction. Similarly, the second petitioner filed O.S.No.112 of 2006 in the same Court for declaration. Both the suits were filed in respect of which the Mandal Revenue Officer initially issued Form-XIII(A) in favour of respondents 4 and 5. In view of this, the first respondent thought it fit not to adjudicate the

dispute regarding regularization of the sales allegedly made by the petitioners in favour of respondents 4 and 5. Aggrieved by this order of the Joint Collector, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-T), this Court cannot find any infirmity in the order passed by the Joint Collector. Under Rule 9(1)(c)(ii) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, when there is a dispute pending in a civil Court, the authorities are precluded from adjudicating the matter. In this case, at the instance of respondents 4 and 5 the Mandal Revenue Officer issued regularization in their favour in accordance with Section 5-A of the Act. Disputing this, the petitioners filed suits, and therefore, under Section 8(2) of the Act, declaration by the civil Court would prevail on the orders passed by the authorities. Therefore, the remedy of the petitioners is to pursue the suits, which shall be decided having regard to Section 8(2) of the Act.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

15.03.2007
vs